




City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

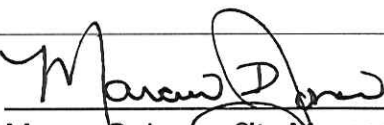
January 14, 2014

From: George M. Homewood, AICP, CFM, Acting
Planning Director

Subject: Special Exception to
operate an Establishment for the
Sale of Alcoholic Beverages for Off-
Premises Consumption at 323
Granby St – an Olive & a Grape

Reviewed: 
Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: R-2

- I. **Recommendation:** Approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicant:** an Olive & a Grape by Melanie Nusbaum
323 Granby Street
- III. **Description**
This request is to allow an existing retail goods establishment, an Olive & a Grape, to sell beer and wine for off-premises consumption. The sale of single servings of beer would not be allowed.
- IV. **Analysis**
Plan Analysis
 - The proposed Special Exception is consistent with *plaNorfolk2030*, which designates this site as Downtown.Zoning Analysis
 - The site is zoned D-3 (Freemason/Granby Conservation and Mixed Use) and HO-D (Downtown Historic Overlay), which permit the sale of alcohol for off-premises consumption by Special Exception.

	Proposed
Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption	10:00 a.m. until 7:00 p.m., Monday through Friday 11:00 a.m. until 4:00 p.m., Saturdays Closed Sundays

Traffic Analysis

- No additional trips are forecast from the addition of Off-Premises ABC sales to this existing commercial/retail establishment.

V. Financial Impact

- The property owner is current on all taxes.

VI. Environmental

- The site is located downtown and is surrounded by a mix of commercial and residential uses.
- The proposed use should not have an adverse impact on the surrounding uses.

VII. Community Outreach/Notification

- Legal notice was posted on the property on November 12.
- Letters were sent to the Downtown Norfolk Civic League on November 26 and the Downtown Norfolk Council on December 2.
- Letters were mailed to all property owners within 300 feet of the property on December 5.
- Notice was sent to the civic leagues by the Department of Communications on December 5.
- Legal notification was placed in *The Virginian-Pilot* on December 5 and 12.
- The Planning Commission Public Hearing was held on December 19, 2013.
- Public notification was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

By a vote of **7 to 0**, the Planning Commission recommended that the request for a Special Exception be **approved**, subject to the conditions outlined in the attached ordinance.

IX. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proponents and Opponents
- Ordinance
- Location Map
- Zoning Map
- 1000' Radii Map of Establishments with Special Exceptions for ABC Off-Premise

- Application
- Letter to the Downtown Norfolk Civic League
- Letter to the Downtown Norfolk Council


Proponents and Opponents

Proponents

Melanie Nusbaum
304 Bay Dunes Drive
Norfolk, VA 23503


Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO MELANIE NUSBAUM AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ON PROPERTY LOCATED AT 323 GRANBY STREET

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Melanie Nusbaum authorizing the sale of beer and wine for off-premises consumption on property located at 323 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 12 feet, more or less, along the western line of Granby Street, beginning 225 feet, more or less from the southern line of West Freemason Street and extending southwardly; premises numbered as 323 Granby Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours for the sale of alcoholic beverages for off-premises consumption shall be from 10:00 a.m. until 7:00 p.m., Monday through Friday, from 11:00 a.m. until 4:00 p.m. on Saturday, and closed on Sunday.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is

earlier.

- (c) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and

"Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served

adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (2 pages)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 10/30/2013

Name of business: an Olive & a Grape

Address of business: 323 Granby Street, Norfolk, Virginia 23503

Name(s) of business owner(s)*: Melanie Nusbaum

Name(s) of property owner(s)*: Armistead Dey

Name(s) of business manager(s)/operator(s): Melanie Nusbaum

Daytime telephone number (757): 348 - 8581

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>		<u>Alcoholic Beverage Sales</u>	
Weekday	From <u>10 am</u> To <u>7 pm</u>	Weekday	From <u>10 am</u> To <u>7 pm</u>
Friday	From <u>10 am</u> To <u>7pm</u>	Friday	From <u>10 am</u> To <u>7 pm</u>
Saturday	From <u>11 am</u> To <u>4 pm</u>	Saturday	From <u>11 am</u> To <u>4 pm</u>
Sunday	From <u>n/a</u> To <u>n/a</u>	Sunday	From <u>n/a</u> To <u>n/a</u>

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☐ Refrigerated

Exhibit A – Page 2
ABC-Off

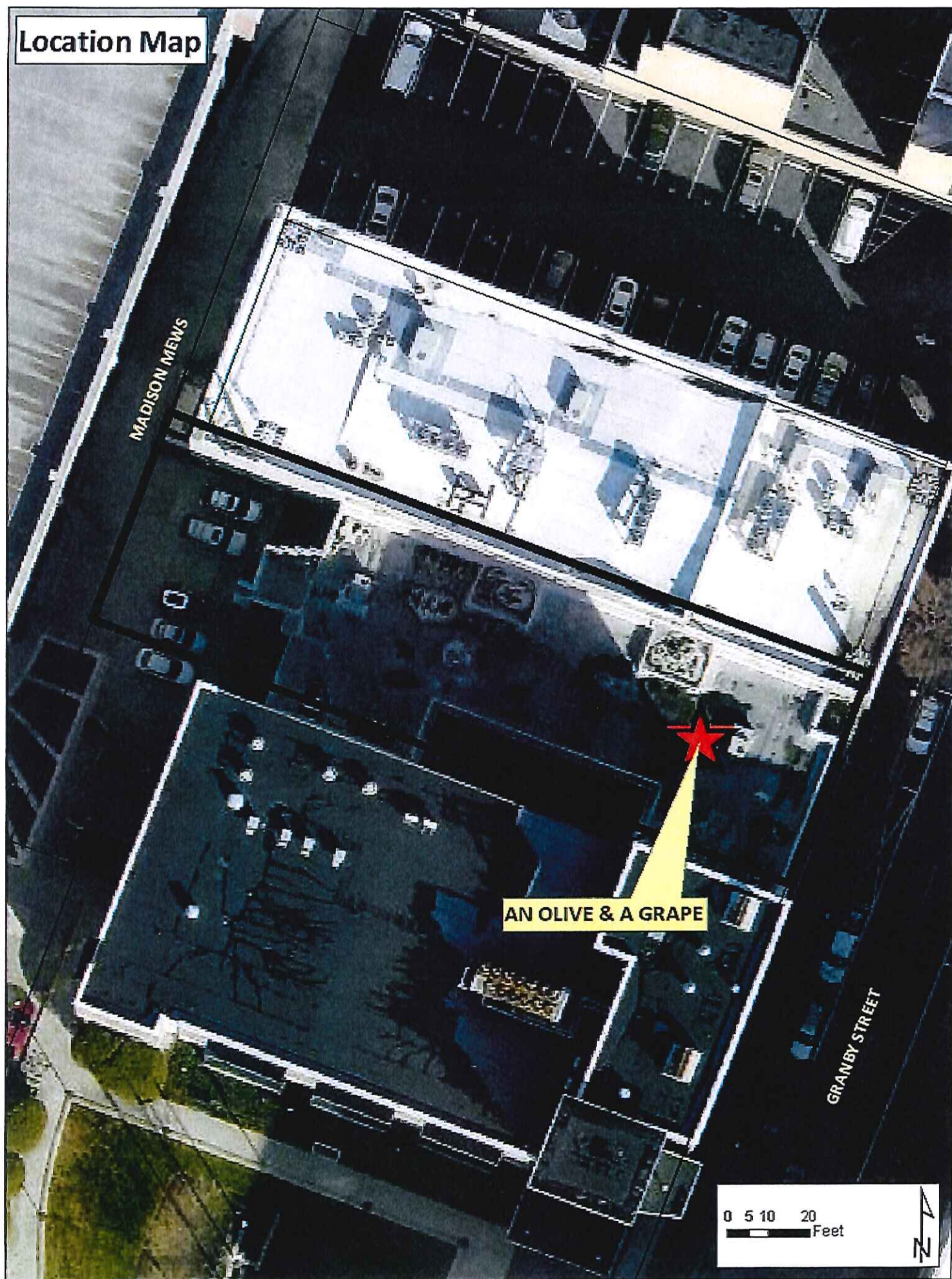
4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

N/A



Signature of applicant/owner

Location Map



AN OLIVE & A GRAPE

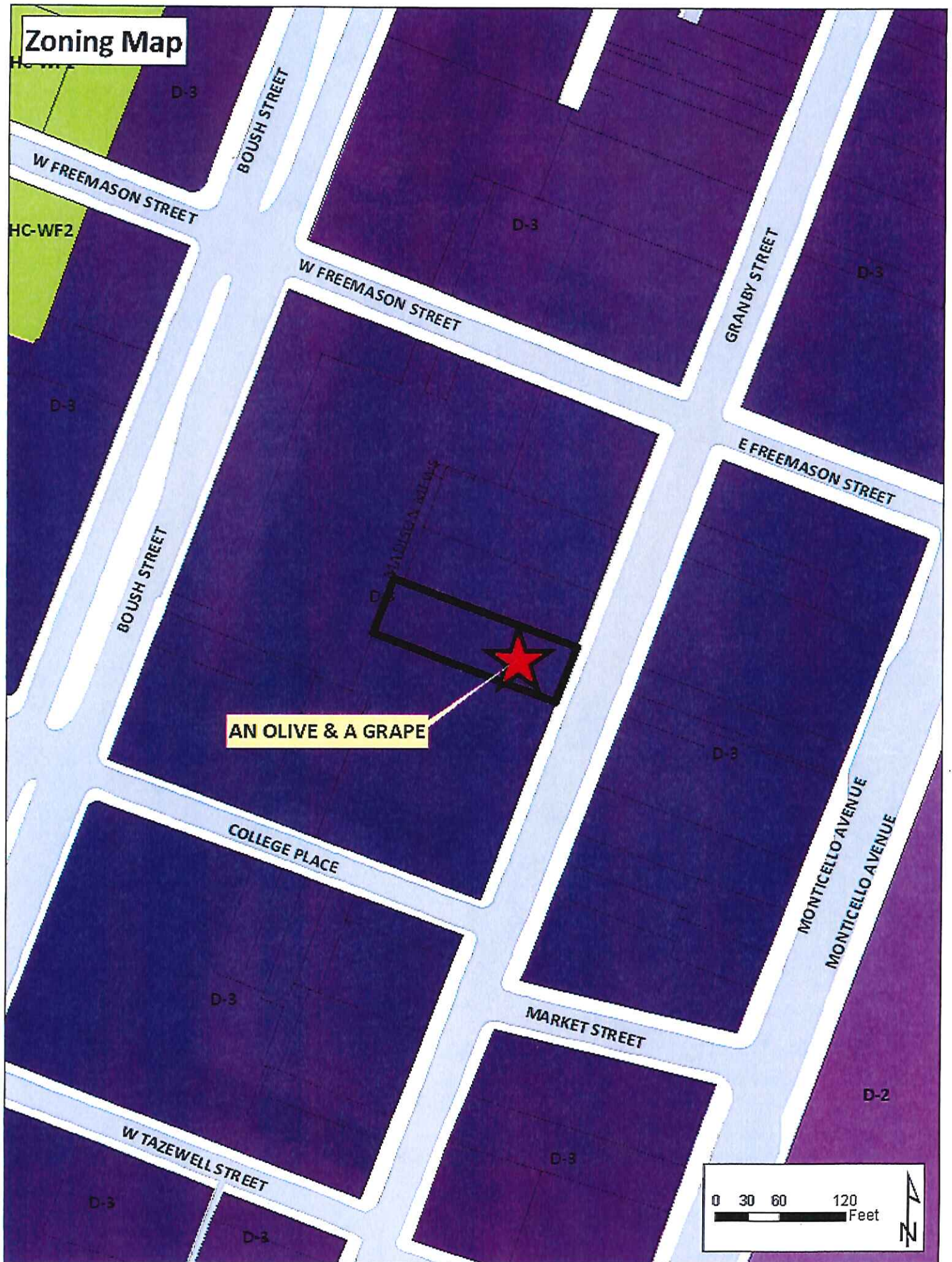
MADISON MEWS

GRANBY STREET

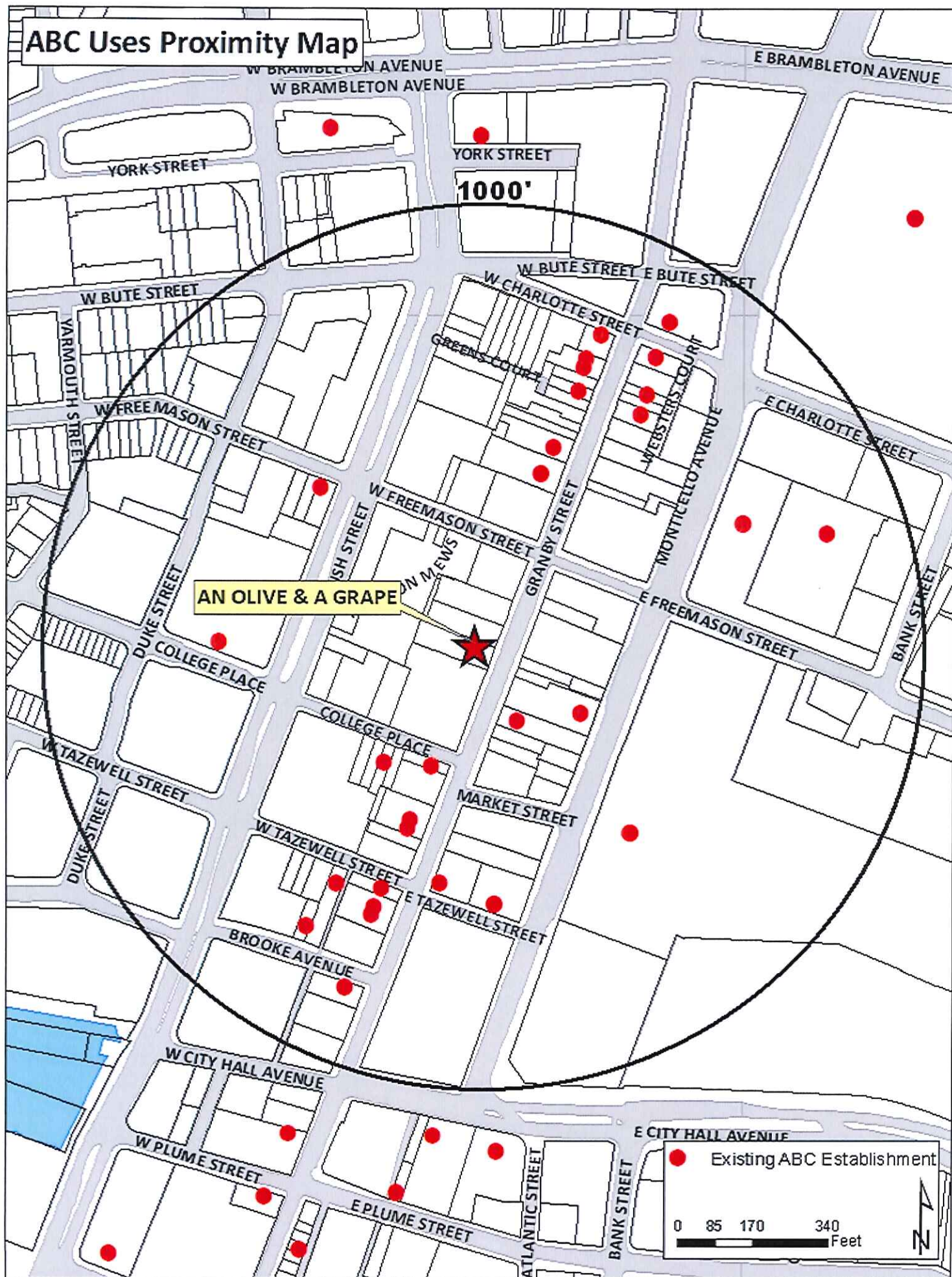
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Zoning Map



ABC Uses Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 10/30/2013

DESCRIPTION OF PROPERTY

Property location: (Street Number) 323 (Street Name) Granby Street

Existing Use of Property Gourmet meat and cheese shop

Current Building Square Footage 1000

Proposed Use Gourmet wine and Cheese shop

Proposed Building Square Footage 1000

Trade Name of Business (If applicable) an Olive & a Grape

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) Nusbaum (First) Melanie (MI) J.

Mailing address of applicant (Street/P.O. Box): 304 Bay Dunes Drive

(City) Norfolk (State) Virginia (Zip Code) 23503

Daytime telephone number of applicant (757) 348-8581 Fax number (☐)

E-mail address of applicant: melanie.nusbaum@hotmail.com

2. Name of property owner: (Last) Dey (First) Armistead (MI) ☐

Mailing address of property owner (Street/P.O. box): 322 Madison Mews

(City) Norfolk (State) Virginia (Zip Code) 23503

Daytime telephone number of owner (757) 625-6401 Fax number (☐)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin Murphy

Date(s) contacted: 11-4-2013

Ward/Super Ward information: Downtown Norfolk Civic League

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ inch X 14 inch copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - All existing and proposed structures,
 - Driveways,
 - Parking,
 - Landscaping,
 - Property lines (see attached example).
- ✓ Two 8½ inch X 14 inch copies of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Armistead W. Dey Sign: Armistead W. Dey 11-14-2013
(Property Owner or Authorized Agent Signature) (Date)

Print name: Melanie Nusbaum Sign: Melanie Nusbaum 11-19-2013
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



November 27, 2013

Kevin R. Murphy
President, Downtown Norfolk Civic League
P.O. Box 3655
Norfolk, VA 23514

Dear Mr. Murphy,

The Planning Department has received an application for a Special Exception for the operation of an Establishment for the Sale of Alcoholic Beverages for Off-Premise Consumption on property located at 323 Granby Street. The request is tentatively scheduled for the December 19, 2013 City Planning Commission public hearing.

Summary

This request would allow an Olive & a Grape to provide beer and wine sales for off-premise consumption. The sale of single servings of beer would not be allowed.

	Proposed
Hours of Operation and Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption	10:00 a.m. to 7:00 p.m. Monday through Friday 11:00 p.m. to 4:00 p.m. Saturday Closed Sunday

If you would like additional information on the request, you may contact the applicant, Melanie Nusbaum, at (757) 348-8581 or you may telephone Ashton Jones at (757) 664-7470. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "George M. Homewood".

George M. Homewood, AICP, CFM
Acting Planning Director

cc: Oneiceia Howard, Neighborhood Development Specialist
Oneiceia.Howard@norfolk.gov or (757) 664-6761

508 City Hall Building / Norfolk, Virginia 23510
Ph. (757) 664-4752 / Fax (757) 664-4748



December 2, 2013

Mary Miller
President, Downtown Norfolk Council
201 Granby Street, Suite 101
Norfolk, VA 23510

Dear Ms. Miller,

The Planning Department has received an application for a Special Exception for the operation of an Establishment for the Sale of Alcoholic Beverages for Off-Premise Consumption on property located at 323 Granby Street. The request is tentatively scheduled for the December 19, 2013 City Planning Commission public hearing.

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Sincerely,

A handwritten signature in black ink, appearing to read "G. Homewood", followed by a horizontal line.

George M. Homewood, AICP, CFM
Acting Planning Director

cc: Oneiceia Howard, Neighborhood Development Specialist
Oneiceia.Howard@norfolk.gov or (757) 664-6761

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